

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. C-03-8

MELVA ZARATE

§

§

§

§

**ORDER GRANTING DEFENDANT'S MOTION TO PROCEED
ON APPEAL *IN FORMA PAUPERIS* AND GRANTING
DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL**

As set forth in this Court's November 6, 2007 order, the Court has determined that Defendant Melva Zarate is entitled to an out-of-time direct appeal in her criminal case. (See D.E. 45.) Zarate has now filed a timely notice of appeal from the reinstated judgment. (D.E. 47.) She also has filed two motions related to her appeal: (1) a motion for appointment of counsel on appeal (D.E. 48); and (2) a motion to proceed on appeal *in forma pauperis* (D.E. 49), both of which were received by the Clerk on November 15, 2007.

Having reviewed her motions and her affidavit concerning his finances, the Court concludes that Zarate is "financially unable to obtain counsel." See 18 U.S.C. § 3006A(b). Thus, Zarate is entitled to appointed counsel on appeal and that she is entitled to proceed on appeal *in forma pauperis*. Accordingly, both her motions (D.E. 48, 49) are GRANTED. The Court hereby appoints the Office of the Federal Public Defender to represent Zarate in her direct criminal appeal.

CONCLUSION

For the foregoing reasons, Zarate's motions for appointment of counsel and to proceed on appeal *in forma pauperis* (D.E. 48, 49) are GRANTED.

SIGNED and ORDERED this 28th day of November, 2007.



Janis Graham Jack
United States District Judge